

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

**IN THE MATTER OF:**

Pauline E Cichon

CHAPTER 13

CASE NO. 13-42901-PJS

JUDGE PHILLIP J SHEFFERLY

Debtor

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**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO COMPLY WITH ACH  
AGREEMENT**

**NOW COMES** the Chapter 13 Trustee, Krispen S. Carroll, and moves this Honorable Court for dismissal of the above-captioned matter pursuant to 11 U.S.C. §1307 (c) and in support thereof states as follows:

1. This motion is brought pursuant to 11 U.S.C. §1307 (c)(6).
2. According to the books and records of the Trustee the Debtor has failed to make timely electronic funds transfer payments under the ACH agreement entered into with the Trustee and required under the confirmed Chapter 13 Plan.
3. Debtor's failure to make timely plan payments pursuant to the ACH agreement is a material default with respect to a term of a confirmed plan and has caused the Trustee to incur fees and costs as a result of the Debtor's failure to have funds available in the account.
4. The Chapter 13 Trustee sought concurrence of debtor's counsel in the relief requested on March 05, 2014, but at the time of filing this motion, such concurrence had not been given.

**WHEREFORE**, the Chapter 13 Trustee requests this Honorable Court dismiss the above captioned matter due to a material default in the terms of the Confirmed Plan.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT  
Krispen S. Carroll, Chapter 13 Standing Trustee

March 13, 2014

/s/ KRISPEN S. CARROLL

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KRISPEN S. CARROLL (P49817)  
MARGARET CONTI SCHMIDT (P42945)  
MARIA GOTSIS (P67107)  
719 Griswold Street  
Suite 1100  
Detroit, MI 48226  
(313) 962-5035  
notice@det13ksc.com

**UNITED STATES BANKRUPTCY COURT  
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**ORDER DISMISSING CASE**

This matter having come to be heard upon the Trustee's Motion to Dismiss for Failure to Comply with ACH Agreement filed pursuant to 11 U.S.C. §1307 (c)(6), notice having been duly given and an opportunity for hearing having been provided, and based upon the records of the Court herein, the Court finds that the relief requested is warranted, and the Court being otherwise sufficiently advised in the premises;

**IT IS HEREBY ORDERED** that the Chapter 13 Case of the Debtor herein be and the same hereby is dismissed for the failure to make the payments as required under the Chapter 13 Plan, which constitutes a material default in the plan;

**IT IS FURTHER ORDERED** that the Clerk of the Court shall immediately provide notice of the entry of this order to all creditors listed in this case, the Debtor, Debtor's attorney, if any, and the Trustee;

**IT IS FURTHER ORDERED** that Krispen S. Carroll, Trustee, is discharged as Trustee and the Trustee and her surety is released from any and all liability on account of the within proceeding;

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**U.S. BANKRUPTCY JUDGE**

**EXHIBIT "A"**

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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

In re  
Pauline E Cichon

CHAPTER 13  
CASE NO. 13-42901-PJS  
JUDGE PHILLIP J SHEFFERLY

Debtor

Address

10245 TALLADAY ROAD  
WILLIS, MI 48191

Last four digits of Social Security or Individual Tax-payer Identification  
(ITIN) No(s)., (if any): 4823

Employer's Tax Identification (EIN) No(s). (if any): \_\_\_\_\_

**NOTICE OF TRUSTEE'S MOTION TO DISMISS**

The Chapter 13 Trustee has filed papers with the court to dismiss the above-captioned case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)**

If you do not want the court to dismiss the above-captioned case or if you want the court to consider your views on the Trustee's motion, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at (1):

**United States Bankruptcy Court  
211 W. Fort Street, Suite 2100  
Detroit, MI 48226**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

**OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT  
ATTN: MOTION DEPARTMENT  
719 Griswold Street  
Suite 1100  
Detroit, MI 48226**

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time and location of the hearing.

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.**

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT  
Krispen S. Carroll, Chapter 13 Standing Trustee

March 13, 2014

/s/ KRISPEN S. CARROLL

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KRISPEN S. CARROLL (P49817)  
MARGARET CONTI SCHMIDT (P42945)  
MARIA GOTSIS (P67107)  
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1 Response or answer must comply with F.R.Civ.P.8(b), (c) and (e)

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**CERTIFICATE OF MAILING**

I hereby certify that on the date indicated below, I electronically filed **TRUSTEE'S MOTION TO DISMISS, NOTICE OF TRUSTEE'S MOTION TO DISMISS and CERTIFICATE OF MAILING** with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

WILLIAM C BABUT  
700 TOWNER STE 1  
YPSILANTI, MI 48198-5757

and I hereby certify that I have mailed by United States Postal Service the above mentioned documents to the following non-ECF participants:

Pauline E Cichon  
10245 Talladay Road  
Willis, MI 48191

March 13, 2014

/s/ Shannon Horton

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SHANNON HORTON

For the Office of the Chapter 13 Trustee-Detroit  
719 Griswold Street  
Suite 1100  
Detroit, MI 48226  
(313) 962-5035  
notice@det13ksc.com